In the High Court of Judicature at Madras

Dated: 29.11.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.756 of 2003
and WPMP.No.929 of 2003

1. A.K.Srivathsan
2. A.K.Sridharan
3. A.K.Sriram
4. A.K.Srikanthan
5. A.K.Srimukundhan

All are represented by their
Power Agent Kamal Lunawath ..Petitioners

..vs..

1. State of Tamil Nadu,
   rep.by Secretary to Government
   Housing & Urban Development Department,
   Fort St.George,
   Chennai-600 009.

2. The Member Secretary,
   Chennai Metropolitan
   Development Authority,
   No.1, Gandhi Irwin Road,
   Egmore, Chennai-600 008. ..Respondents

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Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of declaration, to declare that the provisions of Rule 19(b)(III)-(B) of Development Control Rules and Rule 13 of the Special Rules for Multi-storied Buildings as ultra vires, illegal, unconstitutional and unenforceable in so far as it relates to levy and collection of security deposit of Rs.9,58,000/- and consequently direct the respondents to issue planning permission for the proposed development at No.117/1, L.B.Road, Adyar, Chennai-20, without insisting on security deposit as contained in Lr.No.C3/21501/2002 dated 16.12.2002 of the 2nd respondent.

https://hcservices.ecourts.gov.in/hcservices/

For Petitioners : Mr.K.Venkatasubramanian
For Respondents : Mr.A.Edwin Prabhakar,
Govt.Advocate for R1
Mr.J.Ravindran for R2

ORDER

(Order of the Court was made by P.SATHASIVAM,J.,)

Learned counsel for the petitioners seeks permission to withdraw the above writ petition. He also made an endorsement to that effect in the writ petition. Accordingly, permission is granted and the writ petition is dismissed as withdrawn. However, it is made clear that the petitioners are free to challenge the provisions contained in Rule 19(b)(III)-(B) of the Development Control Rules, if need arises, at the appropriate time. No costs. Consequently, connected WPMP. is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Chennai-600 009.

2. The Member Secretary,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Chennai-600 008.

1 cc To Mr.J.Ravindran, Advocate, SR.58478.

Writ Petition No.756 of 2003

GV(CO)
RVL 12.12.2006

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